

JONES DAY

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May 25, 2011

VIA ELECTRONIC MAIL (MSQUARRELL@DUCKERLAW.COM) AND U.S. MAIL

Marcus Squarrell
Ducker, Montgomery, Lewis & Bess, P.C.
1560 Broadway, Suite 1400
Denver, CO 80202

Re: Dominguez Channel Mystery Spill – Response to Crimson’s Objection
to Request by ACTA and Ports to Rescind Order No. OPA CWA 311-
09-2011-0001

Dear Marcus:

I am writing on behalf of our client, the Alameda Corridor Transportation Authority (“ACTA”), in response to your May 12, 2011, letter to Andrew Helmlinger at federal EPA’s Office of Regional Counsel. The Ports of Los Angeles and Long Beach (the “Ports”), through their respective counsel, Ken Mattfeld and Lisa Bond, join in this letter.

In your May 12 letter, you made several unsubstantiated claims and allegations in support of Crimson Pipeline Management, Inc.’s (“Crimson”) objection to ACTA and the Ports’ request that EPA rescind the above-referenced Order. Mr. Helmlinger’s May 23, 2011, letter addressed to me (and copied to you), however, has rendered your May 12 letter moot. Suffice it to say that ACTA and the Ports stand by their position – supported by the law and facts presented in our May 10, 2011, letter to Mr. Helmlinger – that they are not “responsible parties” under the Oil Pollution Act or the Clean Water Act, and that Crimson unquestionably is.

Very truly yours,

Thomas M. Donnelly

cc: Andrew Helmlinger (EPA ORC)
Jason Musante (EPA OSC)
John Doherty (CEO, ACTA)
Charles Gale (counsel for ACTA)
Heather McCloskey (counsel for ACTA)
Lisa Bond (counsel for POLB)
Ken Mattfeld (counsel for POLA)
Brian Bergman (counsel for ACTA)

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